

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

W.P.V., *on his own behalf and on behalf of
his minor child, W.P.O.*,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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EP-23-CV-00074-DCG

**ORDER GRANTING MOTION TO STAY DISCOVERY
AND SCHEDULING ORDER RECOMMENDATIONS**

Defendant (the United States of America) has moved to dismiss Plaintiff W.P.V.’s claims. Mot. Dismiss, ECF No. 107. The Court has not yet ruled on that motion because it is not ripe. *See* W.D. TEX. L.R. CV-7(d)(2).

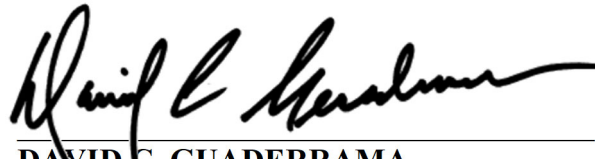
Defendant now asks the Court to stay discovery and the requirement to submit scheduling order recommendations until the Court has ruled on the Motion to Dismiss. Mot. Stay, ECF No. 110.¹ According to Defendant, discovery should not proceed in this case until the Court has determined whether the United States is immune from Plaintiff’s claims. *Id.* at 3–4.

Although Plaintiff disputes that the United States is immune from this suit, he does not oppose staying discovery until the Court has ruled on the Motion to Dismiss. *See id.* at 4 (Certificate of Conference).

¹ *See also, e.g.*, W.D. TEX. L.R. CV-16(c) (“Not later than 60 days after any appearance of any defendant, the parties shall submit a proposed scheduling order to the court . . .”).

The Court therefore **GRANTS** “Defendant’s Unopposed Motion for a Protective Order to Stay Discovery and Scheduling Order Recommendation” (ECF No. 110). The parties need neither engage in discovery nor file scheduling order recommendations until the Court has ruled on “Defendant’s Motion to Dismiss” (ECF No. 107). If the Court ultimately denies Defendant’s Motion to Dismiss, the Court will issue an order requiring the parties to submit scheduling recommendations by a specified date.

So ORDERED and SIGNED this 16th day of May 2023.

A handwritten signature in black ink, appearing to read "David C. Guaderrama", written over a horizontal line.

DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE